

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 14

CALIBER MECHANICAL PREPPING, INC.

Employer

and

Case 14-RC-12466

AUTOMOBILE TRANSPORT CHAUFFEURS,  
DEMONSTRATORS AND HELPERS LOCAL  
UNION NO. 604, affiliated with INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, AFL-CIO

Petitioner

**ORDER WITHDRAWING NOTICE OF HEARING  
AND DISMISSING PETITION**

This case involves a petition filed on September 26, 2003, seeking an election among all full-time and regular part-time employees employed by the Employer at its Centreville, Illinois facility. The petition was blocked on September 30, 2003, by a charge filed by the Petitioner against the Employer in Case 14-CA-27586, alleging that the Employer unlawfully recognized Shopmen's Local Union No. 518, affiliated with International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers (Shopmen's 518) as the collective-bargaining representative of the petitioned-for employees. The charge was dismissed and further processing of this petition is not warranted for the following reasons:

The investigation disclosed that in October 2002, the Employer voluntarily recognized Shopmen's 518 and has applied an existing contract between the Employer and Shopmen's 518, which covers other employees of the Employer employed at other facilities, to the petitioned-for employees. That contract has an expiration date of

January 31, 2007. Since recognition and application of the contract occurred more than 6 months prior to the filing of the charge in Case 14-CA-27586, the charge was dismissed where further proceedings were barred by Section 10(b) of the Act. *Machinists Local 1424 (Bryan Mfg. Co.) v. NLRB*, 362 U.S. 411 (1960). In addition, the petition here is barred by the contract between the Employer and Shopmen's 518. *Hexton Furniture Co.*, 111 NLRB 342 (1955). The contract will serve as a bar for 3 years. *General Cable Corp.*, 139 NLRB 1123 (1962).

The Regional Director having fully and carefully considered the matter,

IT IS HEREBY ORDERED that the Notice of Representation Hearing previously issued in this matter is withdrawn.

IT IS FURTHER ORDERED that the petition is dismissed.

*Your Right to Request Review:* The National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file a request for review, your attention is directed to the following:

*Request for Review Due Date:* The request for review must be received by the National Labor Relations Board in Washington, D.C. by the close of business at 5 p.m. (EST) on November 28, 2003. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date. The request for review **MAY NOT** be filed by facsimile transmission.

*Extension of Time to File Request for Review:* Upon good cause shown, the Board may grant special permission for a longer period to file the request for review. Any request for an extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and **must** be received no later than the request for review due date indicated above. The request for an extension of time may be filed by

mail or by facsimile transmission. The fax number is (202) 273-4270. A copy of any request for an extension of time should be sent to me.

*Request for Review Contents:* The request for review must contain a complete statement setting forth the facts and the reasons why you want a review of the decision to dismiss your petition.

*Address for Request for Review.* The request for review should be addressed to the Executive Secretary, National Labor Relations Board, Franklin Court Building, 1099 14th Street, Washington, D.C. 20570.

*Notice of Other Parties of Request for Review.* You should send a copy of the request for review to me and to the other parties shown below.

November 14, 2003

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Ralph R. Tremain, Regional Director  
National Labor Relations Board  
Region 14  
1222 Spruce Street, Room 8.302  
St. Louis, MO 63103-2829

Executive Secretary  
National Labor Relations Board  
Franklin Court Building  
1099 14th Street, N.W.  
Washington, DC 20570

Mr. Mark A. Potashnick, Attorney  
Mark Potashnick, P.C.  
111 Westport Plaza, Suite 600  
St. Louis, MO 63146

Mr. Dean Hildebrand  
Caliber Mechanical Prepping, Inc.  
901 Mousette Lane  
Centreville, IL 62207

Mr. Duane J. Raab, Business Agent  
Shopmen's Local Union No. 518  
5403-05 Lansdowne Avenue  
St. Louis, MO 63109-1658

Automobile Transport Chauffeurs, Demonstrators  
and Helpers Local Union No. 604  
300 South Grand Avenue  
St. Louis, MO 63103